

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

WILLIAM TERRYBERRY,

Plaintiff,

vs.

LIBERTY MUTUAL FIRE INSURANCE, *et al*,

Defendants.

Case No. 2:13-cv-00658-GMN-CWH

**ORDER**

This matter is before the Court on the parties' Supplement to Stipulated Discovery Plan and Scheduling Order (#14), filed on June 19, 2013. The Court previously approved the parties' request for a longer discovery period of 210 days from the date of the parties' Rule 26(f) Conference, May 30, 2013. See Order #13. The parties requested the longer discovery period due to the nature of the case and fact that treatment providers and expert witness discovery may take an additional thirty days. It has come to the Court's attention that the parties submitted proposed discovery dates that do not comply with Local Rule 26-1. For example, the parties submitted August 28, 2013 as the deadline for amending the pleadings and adding parties. However, September 27, 2013 is ninety (90) days prior to the discovery cutoff and should have been submitted as the proposed deadline. Similarly, the proposed dispositive motions deadline is December 26, 2013, which is the same day as the discovery cut off deadline. Therefore, the Court will strike the previous discovery plan and scheduling order and enter a new order based on the time periods set forth in Local Rule 26-1 and the previously approved extended discovery cutoff date.

Based on the foregoing and good cause appearing therefore,

**IT IS HEREBY ORDERED** that the Clerk of the Court shall **strike** Scheduling Order (#13).

**IT IS FURTHER ORDERED** that the parties' Supplement to Stipulated Discovery Plan

and Scheduling Order (#14) is **denied**.

**IT IS FURTHER ORDERED** that the following dates shall govern discovery:

- |    |  |                           |
|----|--|---------------------------|
| 1. | Discovery cutoff                           | <b>December 26, 2013</b>  |
| 2. | Motions to amend pleadings and add parties | <b>September 27, 2013</b> |
| 3. | Expert designations                        | <b>October 28, 2013</b>   |
| 4. | Rebuttal expert designations               | <b>November 27, 2013</b>  |
| 5. | Interim status report                      | <b>October 28, 2013</b>   |
| 6. | Dispositive motions                        | <b>January 27, 2014</b>   |

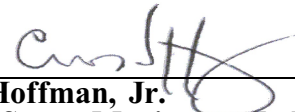
**IT IS FURTHER ORDERED** that any extension of the discovery deadline will not be allowed without a showing of good cause as to why all discovery was not completed within the time allotted. All motions or stipulations to extend discovery shall be received by the Court at least **twenty-one (21) days** prior to the date fixed for completion of discovery, at least **twenty-one (21) days** prior to the expiration of any extension thereof that may have been approved by the Court, or at least **twenty-one (21) days** prior to the expiration of the subject deadline. Any extension or modification of a discovery deadline or subject deadline not filed at least twenty-one (21) days prior to the date fixed for completion of discovery or the expiration of the subject deadline must be supported by a showing that the failure to act was the result of excusable neglect. The motion or stipulation shall include:

- a. A statement specifying the discovery completed by the parties as of the date of the motion or stipulation;
- b. A specific description of the discovery which remains to be completed;
- c. The reasons why such remaining discovery was not completed within the time limit of the existing discovery deadline; and,
- d. A proposed schedule for the completion of all remaining discovery.

It is not good cause for a later request to extend discovery that the parties informally postponed discovery. No stipulations are effective until approved by the Court, and “[a]ny stipulation that would interfere with any time set for completion of discovery, for hearing of a motion, or for trial, may be made only with approval of the Court.” *See* LR 7-1(b).

1           **IT IS FURTHER ORDERED** that if no dispositive motions have been filed within the  
2 time frame specified in this Order, then the parties shall file a written, joint proposed Pretrial  
3 Order by **February, 26, 2014**. If dispositive motions are filed, then the parties shall file a  
4 written, joint proposed Pretrial Order within 30 days of the date the Court enters a ruling on  
5 said dispositive motions.

6           DATED this 20th day of June, 2013.

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9 **C.W. Hoffman, Jr.**  
**United States Magistrate Judge**